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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,039	11/18/2003	Edward S. More	ESM004	4263

7590  
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RUSSO & HALE LLP  
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Palo Alto, CA 94301

04/06/2004

EXAMINER
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BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/716,039

Applicant(s)

MORE, EDWARD S.

Examiner

Aditya S Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 & 29 of USPN 6,651,020. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims in the current application are encompassed in the previous application. The latter pending application encompasses the same process as the pending application and is a slightly broader version of the previous application. (Underlined portions below show the differences in the process)

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 2-5 and 7-25 are also rejected due to their dependency on claims 1 and

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Claim 1 (10/716039)	Claim 1 (USPN 6,651,020)
<p>1. A method for compensating electronic measurement apparatus for at least one of time and temperature drift of electronic components, comprising the steps of: providing either.</p> <p>a) a first signal representative of a first value of a physical variable and a second signal representative of a second value of the same physical variable; or</p> <p>b) a first signal representative of a difference between a first value of a physical variable and a second value of the same physical variable, and, a second signal available at the location of the measurement and at the location of the measurement apparatus, the second signal being one of:</p> <p>i) a system ground potential;</p> <p>ii) a static potential other than system ground; and</p> <p>iii) a dynamic potential,</p> <p>providing at least one difference signal by one of:</p> <p>a) obtaining the difference between the first and second signals at a gain factor greater than one, or equal to one, or less than one, to produce the difference signal; or</p> <p>b) attenuating the difference between the first and second signals using passive components to produce the difference signal; or</p>	<p>1. A method for compensating electronic measurement apparatus for at least one of time and temperature drift of electronic components, comprising the steps of: providing either.</p> <p>a) a first signal representative of a first value of a physical variable and a second signal representative of a second value of the same physical variable; or</p> <p>b) a first signal representative of a difference between a first value of a physical variable and a second value of the same physical variable, and, a second signal available at the location of the measurement and at the location of the measurement apparatus, the second signal being one of:</p> <p>i) a system ground potential;</p> <p>ii) a static potential other than system ground; and</p> <p>iii) a dynamic potential,</p> <p>providing at least one difference signal by one of:</p> <p>a) obtaining the difference between the first and second signals at a gain factor greater than one, or equal to one, or less than one, to produce the difference signal; or</p> <p>b) attenuating the difference between the first and second signals using passive components to produce the difference signal; or</p>

<p>c) comparing the first signal with the second signal, the difference signal being one of: ...</p> <p>storing calibration information used for compensating the electronic measurement apparatus for drift of electronic components;</p> <p>operating in a reference calibration mode, in which at least one reference curve representative of <u>at least one associated difference parameter value</u> versus measured ambient condition is produced, the difference parameter value being either a difference signal measurement or value derived from a difference signal measurement, said curve referred to as a difference parameter reference curve being acquired over a range of ambient conditions and stored, the reference curve so generated in the reference calibration mode being referred to as a difference parameter reference curve, ...</p>	<p>c) comparing the first signal with the second signal, the difference signal being one of: ...</p> <p><u>providing memory means for storing calibration information</u> storing calibration information used for compensating the electronic measurement apparatus for drift of electronic components;</p> <p>operating in a reference calibration mode, in which at least one offset curve representative of <u>offset for electronic components associated with difference signal measurements</u> versus measured ambient condition is acquired over a range of ambient conditions and stored in the memory means, the curve so generated being referred to as a difference reference curve; ....</p>
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### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

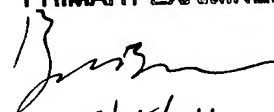
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat  
April 4, 2004

**BRYAN BUI**  
**PRIMARY EXAMINER**



4/5/04